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Paper No.

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SUITE 400, 6640 SHADY OAK ROAD  
EDEN PRAIRIE MN 55344

**MAILED**

**MAR 23 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,601,285 : DECISION ON REQUEST  
Burgmeier et al. : FOR  
Issue Date: October 13, 2009 : RECONSIDERATION OF  
Application No. 10/749,821 : PATENT TERM ADJUSTMENT  
Filed: December 31, 2003 : and  
Atty Docket No. : NOTICE OF INTENT TO ISSUE  
S63.2-11032-US01 : CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 3, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred twenty-two (1122) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred twenty-one (1121) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on January 1, 2007 and ends on July 27, 2008, the day before the RCE was filed, and not July 28, 2008 the day of filing of the RCE as calculated by patentees. See 35 U.S.C. 154(b)(1)(B)(i). Thus, the over 3 year period is 574 not 575 days, and the B delay considering the 183 days of overlap is 391, not 392 days. As such, the correct patent term adjustment is 1121, not 1122 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand one hundred twenty-one (1121) days**.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Anthony Knight  
Supervisor  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,601,285 B2

DATED : October 13, 2009

DRAFT

INVENTOR(S) : Burgmeier et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 730 days.

Delete the phrase “by 730 days” and insert – by 1121 days--